

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES BERNARD MCCULLUM,

Plaintiff,

v.

PHH MORTGAGE CORPORATION,

Defendant.

§
§
§
§
§
§
§
§
§

CASE NO. 4:21-cv-03010

**JOINT NOTICE/ADVISORY REGARDING SETTLEMENT
AND AGREED MOTION FOR CONTINUANCE OF DEADLINES**

Plaintiff, James Bernard McCullum, (“Plaintiff”), and Defendant, PHH Mortgage Corporation (“Defendant”) (collectively the “Parties”), hereby file this Joint Notice/Advisory Regarding Settlement and Agreed Motion for Continuance of Deadlines.

The Parties have reached a settlement in principle of this action and are in the process of finalizing settlement terms and memorializing the settlement terms in a comprehensive settlement and release agreement and other related documents, so that the settlement terms may be effected. Once the final settlement terms are reached, the settlement documents will be finalized, reviewed and executed by the Parties and dismissal pleadings filed in this action.

To avoid additional costs of litigation and use of this Court’s resources, and to allow time for finalization of the settlement, the Parties have agreed, and request the Court’s approval, to continue and suspend this action and any pending deadlines for a period of 60 days. There is no Scheduling Order in place for this action and the only current filing deadline is to submit a proposed scheduling order and joint discovery and case management plan by November 23, 2021, which will be rendered moot in light of the settlement. As such, the Court’s docket will not be impacted by the requested relief. The Parties shall submit appropriate dismissal pleadings

to the Court within that time period or, if that is not possible, shall file a further Advisory with the Court advising as to the status of settlement.

The Parties file this Notice/Advisory and Agreed Motion subject to and without waiver of any and all rights or defenses in this cause. A proposed Agreed Order has been submitted herewith.

WHEREFORE, Plaintiff and Defendant respectfully request that this Court take notice of this Notice/Advisory and all matters addressed herein, and order continuance and suspension of this action and all deadlines for a period of 60 days to allow the Parties to finalize their settlement and submit appropriate dismissal pleadings to the Court.

November 19 , 2021

Jointly Respectfully Submitted and Agreed:

SHACKELFORD & ASSOCIATES, LLC

By: /s/ Ray L. Shackelford (signed with permission)

Ray L. Shackelford
State Bar No. 18071500
rshackctic@yahoo.com

1406 Southmore Blvd.
Houston, Texas 77004
(713) 520-8484
(713) 520-8192 (Fax)

Attorneys for Plaintiff

DYKEMA GOSSETT PLLC

By: /s/ Brett W. Schouest

Brett W. Schouest
State Bar No. 17807700
Southern District I.D. No. 15356
bschouest@dykema.com
Carrie C. Gorner
State Bar No. 24101198
Southern District I.D. No. 3709663
cgorner@dykema.com

112 E. Pecan, Suite 1800
San Antonio, TX 78205
(210) 554-5500
(210) 226-8395 (Fax)

Attorneys for Defendant